

Office Action Summary

Application No.

08/598,874

Applicant(s)

BURNETT ET AL.

Examiner

T.J. CRIARES

Group Art Unit

1205

☒ Responsive to communication(s) filed on Feb 9, 1996☐ This action is **FINAL**.☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims☒ Claim(s) 1-9 is/are pending in the application.

Of the above, claim(s) _____ is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.☒ Claim(s) 1 and 2 is/are rejected.☒ Claim(s) 3-9 is/are objected to.☐ Claims _____ are subject to restriction or election requirement.**Application Papers**☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.☐ The drawing(s) filed on _____ is/are objected to by the Examiner.☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.☐ The specification is objected to by the Examiner.☐ The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. § 119**☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been☐ received.☐ received in Application No. (Series Code/Serial Number) _____.☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).**Attachment(s)**☒ Notice of References Cited, PTO-892☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____☐ Interview Summary, PTO-413☒ Notice of Draftsperson's Patent Drawing Review, PTO-948☐ Notice of Informal Patent Application, PTO-152

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Claims 1-9 are presented for examination.


Claims 1 and 2 are rejected under 35 U.S.C. 112, second paragraph since the term "may" in claim 1 renders the claims indefinite. It is suggested that this term be canceled and the claims be carefully redrafted.

Claims 3-9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n). Accordingly, the claims 3-9 have not been further treated on the merits.

Claim 3 is indefinite since it describes the immunogenic substance in a manner beyond the scope of its definition in claim 1.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to T.J. Criares whose telephone number is (703) 308-4607. The examiner can normally be reached on Monday -Thursday from 9:00 A.M. to 7:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, Marianne Cintinis, can be reached on (703) 308-4725. The fax phone number for this Group is (703) 308-7924.
June 3, 1997


THEODORE J. CRIARES
PRIMARY EXAMINER
GROUP 1200